THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 23677 of 2007

Date:07-11-2007

Between:

A.Purushotham Naidu and another

…Petitioner

AND

The District Collector, Chittoor and two others

.. Respondents

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ORDER:

The petitioners seek a writ of mandamus to declare the action of the respondents in dispossessing/evicting the petitioners from the land in Sy.Nos.108-3A, 3E, 3G, 5A, 5B, 1A, 112/6, 113/1, 110/1A to 1J, 108-3H, 3I, 5F, 5G in an extent of Ac.8.05 cents, as illegal and arbitrary.

It is the case of the petitioners that they have purchased an extent of Ac.8.05 cents in various survey numbers situated at C.Ramapuram village, Ramachandrapuram mandal, Chittoor District. While so, the third respondent/Tahsildar issued Form II notice to the petitioners under Rule 3 of the A.P. Assigned Lands (Prohibition of Transfers) Rules, 1977 calling upon them to submit their explanations within fifteen days as to why they should not be summarily evicted from the land. It is stated that the petitioners submitted their explanation through advocate on 18.05.2007 and a reply notice dated 30.08.2007 and without passing any final orders under Section 4A(1) of the A.P. Assigned Lands (Prohibition of Transfers) Act, the respondents are threatening to dispossess the petitioners. It is stated that the said lands are not assigned lands but they are patta lands.

The learned Government Pleader appearing for the respondents submits that the final orders of resumption have already been passed by the Tahsildar, Ramachandrapuram in Roc.B/346/2007, dated 27.07.2007 holding that they are the assigned lands, but the assignees have alienated the said lands in favour of the

petitioners and the said lands were also resumed to the government on 23.10.2007.

If the final orders have been passed resuming the said lands on 27.07.2007, I am of the opinion that it may not be just and proper on the part of the petitioners to file a writ petition declaring the action of the respondents in dispossessing them from the aforesaid lands without questioning the said resumption orders by way of filing an appeal before the appellate authority.

Against the resumption orders, an appeal lies to the Revenue Divisional Officer under Section 4A(1) of the A.P. Assigned Lands (Prohibition of Transfers) Act.

It is the case of the petitioners that they have raised mango garden in the said lands and it may not be just and proper to cut the mango trees.

Without expressing any opinion about the merits of the case, the writ petition is disposed of permitting the petitioners to file an appeal before the Revenue Divisional Officer concerned against the resumption orders passed by the 3rd respondent/Tahsildar in Roc.B/346/2007, dated 27.07.2007 within ten days from the date of receipt of a copy of this order. On filing such appeal before the R.D.O. concerned by the petitioners, the appeal shall be disposed of and pending disposal of the appeal, status-quo with regard to the possession of the land obtained as on today shall be maintained. There shall be no order as to costs.

V.ESWARAIAH, J.

Date:07.11.2007

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